

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MANASY HARDY RAVELOMBONJY,

Plaintiff,

– *against* –

JEAN FRANCIS ZINSOU, and COLETTE  
ZINSOU-FATIMABAY,

Defendants.

**ORDER**

19 Civ. 7025 (ER)

RAMOS, D.J.:

Ravelombonjy has moved to substitute defendant Jean Francis Zinsou for the co-executors of his estate, Colette Zinsou-Fatimabay and Andry Zinsou. *See* Doc. 40.

“To substitute a party pursuant to Rule 25(a)(1), (1) the motion must be timely; (2) the claims must survive the decedent’s death, and (3) the party sought to be substituted for the decedent must be a proper party.” *Lai Yoong Low v. Tian Yu Inc.*, No. 12 Civ. 7237 (HBP), 2015 WL 1011699, at \*2 (S.D.N.Y. Mar. 9, 2015) (citation omitted). The court deems the motion unopposed, as neither Colette Zinsou-Fatimabay nor Andry Zinsou has filed an opposition nor appeared in the case.<sup>1</sup>

The motion is timely, having been filed by the May 20, 2021 deadline imposed by the Court. *See* Doc. 39.

The Court also finds that Ravelombonjy’s claims have not been extinguished by the death of Jean Francis Zinsou, except to the extent that he seeks to recover punitive damages. *See Doe v. Indyke*, 465 F. Supp. 3d 452, 471 (S.D.N.Y. 2020) (holding that an action for punitive damages under the TVPA and for various torts could not proceed against the decedent’s estate).

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<sup>1</sup> Ravelombonjy served his moving papers on Colette Zinsou-Fatimabay and Andry Zinsou via email on May 20, 2021, consistent with the Court’s order authorizing alternative methods of service, and also served Andry Zinsou by first class mail. *See* Docs. 33, 40.

Ravelombonjy has also submitted Andry Zinsou's response to a subpoena, in which Zinsou represents that he and Colette Zinsou-Fatimabay are the executors of Jean Francis Zinsou's estate in Benin. *See* Doc. 42-4. Thus, they are proper parties for substitution. *See Lai Yoong Low*, 2015 WL 1011699, at \*3 (a proper party is either a successor of the deceased or a person lawfully designated by state authority to represent the deceased's estate) (citation omitted).

Ravelombonjy's motion to substitute parties is therefore GRANTED. The Clerk of Court is respectfully directed to substitute defendant Jean Francis Zinsou for the co-executors of his estate, Colette Zinsou-Fatimabay and Andry Zinsou, and to amend the case caption accordingly. The Clerk of Court is further directed to terminate the motion, Doc. 40. Ravelombonjy is directed to serve a copy of this order on Colette Zinsou-Fatimabay and Andry Zinsou, and to note service on the docket.

It is SO ORDERED.

Dated: October 1, 2021  
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written above a horizontal line.

EDGARDO RAMOS, U.S.D.J.